

EXHIBIT H

From: Larkin, Arthur (Law) <alarkin@law.nyc.gov>
Sent: Tuesday, April 01, 2014 2:56 PM
To: Katherine Rosenfeld; Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel
Subject: RE: Keith Bacote deposition

Work directly with Kim to schedule the Rule 30(b)(6) deposition concerning cameras. Once again, for your benefit, I repeat: We cannot produce one witness given the range of topics, but we will produce several witnesses, which will require more than one day of scheduling, I believe. The witnesses will not be produced on April 14-15th.

Dr. Venters will be produced in May, so I'd appreciate some dates from you.

The remainder of your message misrepresents our communications and the status of discovery.

If you do not believe that the foregoing proposal complies with the City's discovery obligations, you are free to take whatever steps you believe are necessary.

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100 Church St., Room 3-177
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(212) 356-2641 (tel.)
(212) 788-9776 (fax)

-----Original Message-----

From: Katie Rosenfeld [mailto:krosenfeld@ecbalaw.com]
Sent: Tuesday, April 01, 2014 2:39 PM
To: Larkin, Arthur (Law); Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

Arthur - This 30(b)(6) camera deposition was noticed on Feb. 25th and should be scheduled and completed promptly. As you know, the depositions of Ms. Masters and the wardens could not be completed in April solely because the City failed to honor its discovery obligations to produce the relevant ESI for these individuals, and even still has not done so. We do not agree to hold the 30(b)(6) on surveillance cameras after your trial on April 28th. You have a large team of attorneys working on this case with you (including two attorneys cc'd on this email) and one of these people can handle it. Please give us a date that works for your witnesses and an attorney on your team, if not you. Last week, you agreed to provide such a date this week. It's unclear why this week you're now taking the position that we need to wait five more weeks because of your trial schedule.

Similarly, please provide a date for Dr. Venters' deposition in the weeks of April 21st or April 28th. If you're unavailable due to a trial, please arrange for another attorney on your team to cover it.

Thanks.

Katherine Rosenfeld
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-----Original Message-----

From: Larkin, Arthur (Law) [mailto:alarkin@law.nyc.gov]
Sent: Tuesday, April 01, 2014 2:30 PM
To: Katie Rosenfeld; Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

We can't "just agree" on April 14-15th -- I have to coordinate with others whose schedules I don't know. We are juggling a lot of different matters on my team including Nunez and three major wrongful conviction cases, among others. We've offered up other witnesses in Nunez to ensure that depositions are completed on time, an accommodation made necessary by your side's insistence on moving several depositions (Amanda Masters and four wardens) into May. As soon as I have dates I will let you know. It may not be until after my trial, which is the week of April 28th, but I doubt will last longer than five days.

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-----Original Message-----

From: Katie Rosenfeld [mailto:krosenfeld@ecbalaw.com]
Sent: Tuesday, April 01, 2014 2:19 PM
To: Larkin, Arthur (Law); Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

Arthur, last week on Monday 3/25/14, we requested a date for this 30(b)(6) deposition, and you said: "We likely won't be in a position to confirm dates for these witnesses until next week, although if we are able to do so this week, we will." Now, it's the following week, and you're saying again that you may not even have a date this week. Please get back to

me promptly. Or we can just agree on April 14 or 15. Those dates are two weeks away which should be do-able for everyone. Thanks.

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-----Original Message-----

From: Larkin, Arthur (Law) [mailto:alarkin@law.nyc.gov]
Sent: Tuesday, April 01, 2014 2:13 PM
To: Katie Rosenfeld; Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

We may have date(s) this week, I'm not sure. We are coordinating the schedules of more than one witness & counsel for this notice.

-----Original Message-----

From: Katie Rosenfeld [mailto:krosenfeld@ecbalaw.com]
Sent: Monday, March 31, 2014 4:27 PM
To: Larkin, Arthur (Law); Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

Arthur - will you be able to confirm that cameras 30(b)(6) deposition date in the next day or so? Thanks.

-----Original Message-----

From: Larkin, Arthur (Law) [mailto:alarkin@law.nyc.gov]
Sent: Monday, March 31, 2014 4:20 PM
To: Vasudha Talla; Katie Rosenfeld
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

For the Bacote deposition, would Monday, April 8th work? I can clear the date if it works.

For the Rule 30(b)(6) deposition regarding cameras, we may have to produce more than one witness to testify about the topics set forth in the notice. We are still in the process of determining who would be the best witness to testify and when those witnesses will be available.

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-----Original Message-----

From: Vasudha Talla [mailto:vtalla@ecbalaw.com]
Sent: Monday, March 31, 2014 4:15 PM
To: Katie Rosenfeld; Larkin, Arthur (Law)
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

For the Keith Bacote deposition, April 11th doesn't work, but April 14th or 18th do work. Thanks, Vasudha

-----Original Message-----

From: Katie Rosenfeld
Sent: Monday, March 31, 2014 3:50 PM
To: Larkin, Arthur (Law); Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

Arthur - Do you have a date on the camera 30(b)(6)? I'm really pressed to schedule other things but continue to hold April 8,9, 14 and 15 for it. Thanks.

-----Original Message-----

From: Larkin, Arthur (Law) [mailto:alarkin@law.nyc.gov]
Sent: Monday, March 31, 2014 3:13 PM
To: Vasudha Talla
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: RE: Keith Bacote deposition

April 10th does not work - my calendar has filled up since we last communicated on this issue - but April 11th would work. Does that date work for your side?

-----Original Message-----

From: Vasudha Talla [mailto:vtalla@ecbalaw.com]
Sent: Monday, March 31, 2014 3:09 PM
To: Larkin, Arthur (Law)
Cc: Joyce, Kimberly (Law); Nguyen, Diep (Law); Nunez Plaintiffs' Counsel (NunezPlaintiffsCounsel@ropesgray.com)
Subject: Keith Bacote deposition

Dear Arthur,

I'm writing to confirm that the City still intends to take the deposition of Keith Bacote on Thursday, April 10th. If so, we request that the order for Mr. Bacote's transfer specify that Mr. Bacote be transferred to Sing Sing for the deposition and that he is transferred so that he is at Sing Sing no later than Monday, April 7th.

Have you received any documents from New York State DOCCS related to Mr. Bacote? Also, does the City have any other documents relating to Mr. Bacote in its possession that it has not yet produced? We expect that you will have produced all documents relating to Mr. Bacote in the City's possession prior to his deposition, including any documents that you intend to show or use as exhibits at Mr. Bacote's deposition.

Thanks, Vasudha

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